

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GREGORY BARNES,

Plaintiff,

- against -

ELI LILLY CORPORATION, et al.,

Defendants.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6-13-08**

ORDER


07 Civ. 5855 (DC) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Before the Court is Plaintiff's motion to file a Fourth Amended Complaint. The proposed amendment appeared to include defendants Eli Lilly Company, Christine Murphy, Dr. Kahn, and Donald Sawyer as defendants. By Order dated May 27, 2008, the Court directed Barnes to indicate who he intended to name as defendants and the basis for naming each party. By letter dated May 31, 2008, Barnes indicated that Eli Lilly had settled with him out of court, and also named Christine Murphy, Dr. Kahn, and Donald Sawyer. Because the three individuals listed are already named defendants in the current complaint, the fourth amendment appears unnecessary. **IT IS THEREFORE ORDERED THAT** Plaintiff's motion to file a Fourth Amended Complaint be **DENIED**.

The Court notes that Brian Fisher is also named in the current complaint. If Barnes does not intend for Fisher to be a named defendant in this matter, he should indicate this by letter to the Court and by not serving Fisher.

**SO ORDERED this 13th day of June 2008
New York, New York**


**The Honorable Ronald L. Ellis
United States Magistrate Judge**